

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

HEIDECKE *et al.*

Appl. No.: 10/581,114 (Natl. Phase of
PCT/EP2004/013099)

Intl. Filing Date: November 18, 2004

For: **METHOD AND DEVICE FOR
TREATING TREES**

Art Unit: *To be Assigned*

Examiner: *To be Assigned*

Atty. Docket: 2400.0440000/SRL

Information Disclosure Statement Under 37 C.F.R. § 1.97(b)

Mail Stop Amendment

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Forms, PTO/SB/08A and PTO/SB08B, are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Copies of documents **FP1** to **FP3** and **NPL1** to **NPL2** are submitted. However, in accordance with 37 C.F.R. § 1.98(a)(2), copies of U.S. patents and patent application publications, documents **US1** to **US3**, cited on the attached IDS Form, PTO/SB/08A, are not submitted.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following discussion of the relevance of the non-English language document **FP2** cited on Form PTO/SB/08A:

Document **FP2**, BE 859,547, is in a foreign language. An English language abstract of document **FP2** is attached as document **NPL1**.

Document **FP1**, DE 951 119 C, was cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

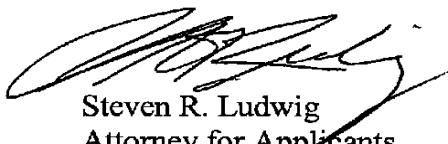
This Information Disclosure Statement is being filed within three months of the date of filing. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Steven R. Ludwig
Attorney for Applicants
Registration No. 36,203

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1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600
554596v1